

COMMISSION MEETING MINUTES

JULY 17, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, July 17, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:00 p.m.

At this time, Nancy Fischman, Member and Former President of B'nai Sholom Congregation, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the Special Called City Commission Meeting held on Friday, June 27, 2014, be and the same are hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, July 3, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Freedom Hall Civic Center 40 Year Anniversary. Lisa Chamness, Freedom Hall Director, and Bobbie Shirley, Box Office Manager, were present to accept.

Whereas on July 5, 1974, the multipurpose Freedom Hall Civic Center, a \$2.5 million educational/cultural/recreational complex, celebrated its opening day; and

Whereas Freedom Hall had a successful beginning with a remarkable seven sellout shows in its first year, highlighted by the inaugural event, "An Evening with Bob Hope;" and

Whereas in the past 40 years, the facility has played host to 7.5 million patrons attending concerts, shows, conventions, sporting events, educational programs, and community events; and

Whereas as Freedom Hall celebrates its 40th anniversary, it continues to be a valuable asset to Johnson City Schools, the Tri-Cities Tennessee-Virginia region, and the four-state area of Tennessee, Virginia, North Carolina and Kentucky.

Now, Therefore, I, Ralph J. Van Brocklin, mayor of the City of Johnson City, Tennessee, do hereby proclaim our pride in Freedom Hall and urge citizens to continue their support of this multipurpose facility and the services it provides to our schools, community, and region.

In Witness Whereof, I have
hereunto set my hand and caused the
Official Seal of the City of Johnson City,
Tennessee, to be affixed this 17th day of
July, 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing the Washington County Area United Way Local Campaign kickoff. Lester Lattany, United Way President/CEO, was present to accept.

- Whereas** The United Way of Washington County is a catalyst for community impact and economic empowerment, advancing the common good and creating opportunities for a better life for all by focusing on the three key building blocks of education, income and health. The United Way movement creates long lasting community change by addressing the underlying causes of problems that prevent progress in these areas; and
- Whereas** The United Way of Washington County takes responsibility for solicitation and receipt of contributions, and allocates and distributes those funds to partner agencies after proper budget study, using local and national accountability standards; and
- Whereas** The United Way of Washington County promotes efficiency by providing a single means through which contributions can be made to multiple agencies, using cooperative appeal to reduce the expense of raising funds independently; and
- Whereas** The United Way of Washington County will officially begin its annual fundraising campaign, "Be a Community Champion," and invites all citizens to the kickoff event on August 21 at Rotary Park.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, Tennessee, do hereby proclaim August 21, 2014

UNITED WAY OF WASHINGTON COUNTY LOCAL KICKOFF DAY

and urge residents to participate in the \$1.725 million fundraising campaign in support of United Way and its partner agencies, thereby making ours a more caring and compassionate community, where we all "Give. Advocate. Volunteer. **LIVE UNITED.**"

In Witness Whereof, I have
hereunto set my hand and caused the Official Seal
of the City of Johnson City, Tennessee, to be
affixed this 17th day of July 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

COMMISSION MEETING MINUTES

JULY 17, 2014

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the allowance of the placement of certain signage associated with the Washington County Area United Way Local Campaign, be and the same is hereby approved.

At this time, Mayor Ralph Van Brocklin opened the public input session. Phillip Cox, Johnson City Development Authority Chair, provided an update on their goals and activities.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for One 12 Downtown, LLC, d/b/a Label, 112 Tipton Street, Johnson City, Tennessee, be and the same is hereby approved. Rafael Zabala, applicant, was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Johnson City Brewing Company, Inc., 300 East Main Street, Suite 104, Johnson City, Tennessee, be and the same is hereby approved. Eric and Katherine Latham, applicants, were present.

At this time, the appointment of Jon Smith to the Tri-Cities Regional Airport Authority was made by unanimous roll call.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing for the UMOJA Unity Festival on Friday, August 8, 2014 from 3:00 p.m. until 8:00 a.m. on Sunday, August 10, 2014, as requested by the UMOJA Organization, be and the same is hereby approved. Wayne Robertson, applicant, was present.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing for the UMOJA Parade on Saturday, August 9, 2014 from 10:00 a.m. until 10:45 a.m., as requested by Ronnie Smith, be and the same is hereby approved. Wayne Robertson, UMOJA Organization, was present.

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Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a parking lot closing for a Car Show, in association with the UMOJA Unity Festival on Thursday, August 7, 2014 from 7:00 p.m. until 6:00 p.m. on Saturday, August 9, 2014, as requested by Matt Smith, be and the same is hereby approved. Wayne Robertson, UMOJA Organization, was present.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing for a Unity 5K Road Race, in association with the UMOJA Unity Festival, from 7:30 p.m. until 9:00 p.m., on Friday, August 8, 2014, as requested by Charnita Hammonds, be and the same is hereby approved. Wayne Robertson, UMOJA Organization, was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing for a Health Fair from 6:00 a.m. until 3:00 p.m. on Saturday, July 19, 2014, as requested by Lori Love, Johnson City Farmers Market, be and the same is hereby approved. Jess Price was present.

At this time, Tommy Burleson, Burleson Construction, provided an update on the Science Hill High School HVAC Upgrade.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for July 17, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. **Public Works**

Consider resolution to establish Fair Market Value for seven-(7) relocation tracts, Indian Ridge Road, State of Franklin Road and Skyline Drive Intersection Project

ii. **Public Works**

Consider Art Selection for Founders Park Entryway

iii. **Police**

Consider grant application to the Office of Criminal Justice Programs for a three year, Family Justice Center Grant, which would be awarded to the City of Johnson City and administered by the Johnson City Police Department effective no later than September 1, 2014. The grant amount is \$240,000

iv. **Transit**

Consider approval of contract for JCT BUCSHOT Transit Services to ETSU during 2014-15 Academic Year

v. **Administration**

Consider Defined Contribution Retirement Plan – IRS Amendment for the Final 415 Regulations

vi. **Administration**

Consider Approval of Contract Documents from J.E. Green Company for the New Kermit Tipton Field House

vii. **Legal**

Consider Resolution to Increase Franchise Fee for ATMOS Energy

B. INVOICES:

- i. Rainey Contracting \$3,270.50
Public Works Department
WW Cab Demolition ~ **FINAL PAYMENT**
Funding Source: Stormwater Fund
- ii. Summers-Taylor \$1,813.50
Public Works Department
Safe Routes to School ~ Lone Oak Sidewalk Project ~ **FINAL PAYMENT**
Funding Source: Safe Routes Grant & STP Funds (Construction)
- iii. Littlejohn Engineering \$2,152.16
Public Works Department
CEI Services for Lone Oak Sidewalk Project
Funding Source: Safe Routes Grant & STP Funds
- iv. Inland Construction \$32,092.81
Public Works Department
Tweetsie Trail Bridges ~ Pay Request #2
Funding Source: Capital Projects Fund
- v. Thomas Construction \$119,485.17
Public Works Department
Founders Park
Funding Source: Stormwater Fund
- vi. Hodge Electrical Contractors, Inc. \$51,490.00
Freedom Hall Civic Center
Electrical Service Upgrade
Funding Source: Washington County Bond Fund / Capital Projects Fund

- vii. Mechanical Design Services \$4,413.57
 Freedom Hall Civic Center
 HVAC Modifications
 Funding Source: Washington County Bond Fund

C. PURCHASES:

- i. Central States Bus \$47,301.00
 Senior Services
 14 Passenger Bus (State Contract)
 Funding Source: Senior Foundation Fund
- ii. Data Driven \$69,741.00
 Police Department
 Watson Field Reporting Annual Maintenance
 Funding Source: Budgeted Expense

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Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, **Ordinance No. 4553-14**, "AN ORDINANCE TO AMEND TITLE 9 OF THE CODE OF THE CITY OF JOHNSON CITY; FARMERS' MARKET," was ***passed on first reading***. The motion ***carried*** by four ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4544-14**, "AN ORDINANCE TO UPDATE TITLE 14, CHAPTER 1, SECTIONS 101-104 OF THE CODE OF THE CITY OF JOHNSON CITY," was ***passed on second reading***. The motion ***carried*** by four ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4549-14. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4549-14**, "AN ORDINANCE TO ANNEX CERTAIN PROPERTY KNOWN AS THE 2817 KNOB CREEK ROAD ANNEXATION AND TO ZONE SAID PROPERTY R-2 (LOW DENSITY RESIDENTIAL)," was ***passed on second reading***. The motion ***carried*** by four ayes. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

At this time, a public hearing was held regarding the Plan of Services for property located at 2817 Knob Creek Road. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Plan of Services for property located at 2817 Knob Creek Road, be and the same is hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4550-14. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4550-14**, "AN ORDINANCE TO ANNEX CERTAIN PROPERTY KNOWN AS THE OLIVER FARMS PHASE II ANNEXATION AND TO ZONE SAID PROPERTY R-2A (LOW DENSITY RESIDENTIAL)," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding the Plan of Services for the Oliver Farms Phase II Annexation. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Plan of Services for the Oliver Farms Phase II Annexation, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan for the rezoning from R-2 (Low Density Residential) to R-2C (Low Density Residential) for property located at Tax Map 53K Group D Parcel 5, be and the same is hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4551-14. No one spoke for or against this item.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, **Ordinance No. 4551-14**, "AN ORDINANCE TO REZONE TAX MAP 53K GROUP D PARCEL 5 FROM R-2 (LOW DENSITY RESIDENTIAL) TO R-2C (LOW DENSITY RESIDENTIAL)," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4552-14**, "SUPPLEMENTAL BUDGET ORDINANCE," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the **third reading** of **Ordinance No. 4547-14**, "AN ORDINANCE TO CALL FOR A REFERENDUM TO AMEND THE CHARTER OF THE CITY OF JOHNSON CITY AND TO SUBMIT SAID AMENDMENT TO THE QUALIFIED VOTERS IN THE NEXT GENERAL ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER 2014, AND TO REQUEST THE ELECTION COMMISSIONERS TO PLACE THE PROPOSED AMENDMENT UPON THE OFFICIAL BALLOT," to allow time for research, be and the same is hereby approved.

At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 7:27 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. **Ordinance No. 4547-14**, "AN ORDINANCE TO CALL FOR A REFERENDUM TO AMEND THE CHARTER OF THE CITY OF JOHNSON CITY AND TO SUBMIT SAID AMENDMENT TO THE QUALIFIED VOTERS IN THE NEXT GENERAL ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER 2014, AND TO REQUEST THE ELECTION COMMISSIONERS TO PLACE THE PROPOSED AMENDMENT UPON THE OFFICIAL BALLOT," - Third Reading (to allow time for research).

ACTION ITEMS:

1. None.